



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short and Kretz Art Unit: 1761  
Application No.: 09/777,566 Examiner Unassigned  
Filed: February 5, 2001  
Title: RECOMBINANT BACTERIAL PHYTASES AND USES  
THEREOF

Commissioner of Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

This Preliminary Amendment is being filed prior to examination of the above-identified application. This Amendment is being filed in response to the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures mailed May 2, 2001.

**IN THE SPECIFICATION**

Applicants respectfully request entry of the initial Sequence Listing following the section labeled "ABSTRACT OF THE INVENTION" on page 87. The Sequence Listing is paginated, beginning with page 1.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>6-7</u> , 2001 in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
Name of Person Mailing Paper	<u>Ginia Najar</u>
Signature	<u>[Signature]</u>

RECEIVED  
JUN 14 2001  
1700 MAIL ROOM

**REMARKS**

By present communication, Applicants comply with the Examiner's requirement for an initial or substitute computer readable form (CRF) copy of the "Sequence Listing"; an initial or substitute paper copy of the "Sequence Listing"; and a Statement that the content of the paper and computer readable copies are the same and include no new matter.

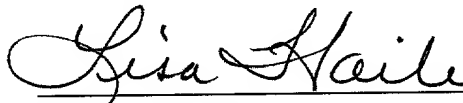
Applicants respectfully request consideration and entry of the amendment prior to examination of this application.

If the Examiner would like to discuss any of the issues raised in the Preliminary Amendment, Applicants' representative can be reached at (858) 677-1456. Please charge any additional fees, or make any credits, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: \_\_\_\_\_

6/7/01



Lisa A. Haile, Ph.D.

Registration No. 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, California 92121-2189

RECEIVED  
JUN 14 2001  
4C 1700 MAIL ROOM